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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

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12 KIM HA VU, et al., ) Case No.: C 10-04000 PSG  
13 Plaintiffs, ) **ORDER TO SHOW CAUSE WHY**  
14 v. ) **CASE SHOULD NOT BE DISMISSED**  
15 WASHINGTON MUTUAL BANK FA, et ) **FOR FAILURE TO PROSECUTE**  
16 al., )  
17 Defendants. )

18 Plaintiff filed the complaint in this action on September 7, 2010. The parties were  
19 required to file a case management statement on November 16, 2010 and to appear for a case  
20 management conference on November 23, 2010.<sup>1</sup> Also, by November 16, 2010, the parties were  
21 required either to file written consent to the jurisdiction of the magistrate judge or to request  
22 reassignment to a district judge.<sup>2</sup> None of the parties filed a case management statement or  
23 consented or declined magistrate judge jurisdiction, and on November 22, 2010 the Clerk  
24 rescheduled the case management conference for January 4, 2011.<sup>3</sup> On January 4, 2011, none of

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<sup>1</sup> See 9/10/10 Order Setting Initial Case Management Conference and ADR Deadlines (Docket No. 3).

<sup>2</sup> See Civ. L.R. 73-1(a)(1).

<sup>3</sup> See 11/22/10 Clerks Notice (Docket No. 6).

1 the parties appeared at the case management conference.

2 If the plaintiff fails to prosecute or to comply with these rules or a court order, the court  
3 may dismiss the action. *See* Fed. R. Civ. P. 41(b). Accordingly,

4 IT IS HEREBY ORDERED that Plaintiff show cause why the case should not be dismissed  
5 for failure to prosecute. Plaintiff shall respond in writing no later than March 2, 2011. If  
6 Plaintiff fails to show cause, this case will be reassigned to a district judge with a recommendation  
7 for dismissal.

8 Dated: February 16, 2011

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11 PAUL S. GREWAL  
12 United States Magistrate Judge  
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1 **Notice of this filing was automatically mailed to counsel via the court's Electronic Case Filing  
2 system.**

3 **A copy of this filing was mailed to:**

4 Kim Ha Vu  
5 18900 Newsom Avenue  
6 Cupertino, CA 95014

7 Huy Vu  
8 18900 Newsom Avenue  
9 Cupertino, CA 95014

10 Dated: February 16, 2011

11 /s/ *Chambers Staff*  
12 Chambers of U.S. Magistrate Judge Paul S. Grewal

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